

# United States Senate

WASHINGTON, DC 20510

December 19, 2019

Rafael Mariano Grossi  
Director General  
International Atomic Energy Agency  
Vienna International Centre  
PO Box 100  
1400 Vienna, Austria

Dear Director General Grossi,

We write to urge you to provide greater public transparency about what steps, if any, the IAEA Secretariat has taken to investigate the sites, locations, facilities, documentation, equipment, and materials mentioned in Iran's nuclear archive.

As you are certainly aware, on April 30, 2018, Israeli Prime Minister Benjamin Netanyahu revealed that the Mossad had conducted a raid of a warehouse in Tehran's Shorabad district, removing more than 100,000 files documenting Iran's past efforts to develop a nuclear weapon. The files disclose a range of nuclear sites, equipment, material, and activities previously unknown to the IAEA. The IAEA thus has a legal obligation—pursuant to the multiple nonproliferation agreements that Iran has concluded—to further investigate Iran's nuclear program in order to ensure that no covert illicit activity continues today.

Tehran's decision to preserve the archive is inconsistent with Iran's commitment in the 2015 nuclear deal, formally known as the Joint Comprehensive Plan of Action (JCPOA), that “under no circumstances will Iran ever seek, develop or acquire any nuclear weapons.” In particular, combined with the discovery of man-made uranium particles, widely believed to have been collected at the Turqez-Abad site, which Israel also alleges housed nuclear-related equipment that Iran subsequently moved, the archive offers reason to fear that Iran has violated Section T of Annex I of the JCPOA, in which it committed not to engage in key nuclear weaponization activities. The archive refers to equipment that could contribute to such activity, but the current location of this equipment is unknown. Any current use of this equipment would constitute significant nonperformance with the JCPOA.

Iran's failure to declare the sites, equipment, materials, and activities discussed in the archive is also a violation of the Nuclear Non-Proliferation Treaty, the Comprehensive Safeguards Agreement (CSA), and the CSA's Additional Protocol. This and other information from the archive suggest that Iran may still be engaging in nuclear weapons-related activity that would ordinarily prompt international condemnation and international sanctions. Iran's policy of concealment also undermines the IAEA's ability to reach a credible broader conclusion that all nuclear activity remains in peaceful activities.

To date none of the IAEA Secretariat's quarterly reports on Iran's nuclear activities makes any mention of the archive and its implications. While your predecessor, the late Yukiya Amano, stated in June 2018 that the IAEA was reviewing the archive and that “it will take a long time,”<sup>[1]</sup> more than

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<sup>[1]</sup> International Atomic Energy Agency, “2018-06-04 IAEA Board of Governors Press Briefing Yukiya Amano,” June 4, 2018. (<https://iaea.wistia.com/medias/piax9hjbnt>)

18 months have passed since Prime Minister Netanyahu revealed the archive. This is more than enough time to assess the documents and take appropriate action. On previous occasions when the IAEA learned of new information about Iran's nuclear program, such as the covert facilities at Natanz, Arak, and Fordow, the IAEA sought answers from Iran within days or weeks. It has also acted with speed to investigate sites where credible reports indicated that evidence of illicit activity was being moved or concealed.

Moreover, while Iran's CSA does prohibit the IAEA from disclosing "confidential information," the CSA does not preclude the issuance of detailed reporting to the IAEA Board of Governors, which may then vote to publicize the information if a majority of its members agrees. In fact, in the years prior to the JCPOA, the IAEA Secretariat developed a record of detailed and comprehensive reporting on Iran's nuclear activities to the Board of Governors, which then routinely voted to publicize the findings or refer Iran to the UN Security Council for countermeasures.

Troublingly, however, this record of transparency has declined since the JCPOA. As a result, it remains unclear whether Iran has fully complied with its nonproliferation commitments. We therefore urge you to provide further information about your efforts. If inspections of sites mentioned in the archive have already occurred, we urge you to issue reports to the Board of Governors that reflect your findings. If inspections of relevant sites have not occurred, we urge you to strengthen your investigation.

Thank you for your consideration, and we look forward to hearing from you.

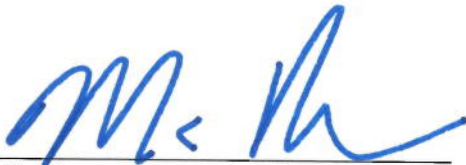
Sincerely,



Tom Cotton  
United States Senator



Ted Cruz  
United States Senator



Marco Rubio  
United States Senator



Mike Braun  
United States Senator



M. Michael Rounds  
United States Senator



Pat Toomey  
United States Senator

A handwritten signature in blue ink, appearing to read "Rick Scott". The signature is stylized, with a large, looped "R" and a cursive "Scott".

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Rick Scott  
United States Senator